



BLACK WOMEN FOR WELLNESS



Friday, February 14, 14

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Dear Mr. Calfee;

Physicians for Social Responsibility-LA and the undersigned groups thank the Office of Planning and Research (OPR) and the Natural Resources Agency for the opportunity to comment on revisions to the California Environmental Quality Act (CEQA) Guidelines. We respectfully submit the below comments for your consideration, all which broadly support infusing strong health and equity considerations into the revision of the Guidelines.

Section 15126.2. Consideration and Discussion of Significant Environmental Impacts.

The protection of public health and safety of all Californians is the central intent of CEQA, as stated in PRC § 21000(d). Therefore, consideration of the health impacts of a project is essential to the environmental review process. California Code of Regulations (CCR) § 15126.2 states that an EIR shall "analyze any significant environmental effects the project might cause by bringing development and people into the area affected." First, we suggest that OPR makes no changes to the Guidelines that may weaken any health considerations in the environmental review process. Second, we recommend OPR strengthen the health analysis of CEQA by incorporating a full Health Impact Assessment (HIA) as part of the determination of significant environmental impacts. Best practice standards for HIAs have already been established by the North American Health Impact Assessment Working Group. Furthermore, there exists precedence for inclusion of HIAs into CEQA. In Los Angeles, the I-710 Corridor Project Committee voted to include a HIA in the project

EIR/EIS. Additionally, an HIA was applied to the proposed Cap and Trade regulations under AB 32, the Global Warming Solutions Act.

Section 15130. Discussion of Cumulative Impacts.

While the CEQA Guidelines address the cumulative impacts of project, the statutory direction and implementation tends to be complicated and somewhat circular. As such, CEQA practitioners and lead agencies often gloss over the cumulative impact analysis, which in effect guarantees an inadequate assessment of a project's impacts. This can have tremendous negative health consequences on surrounding communities, especially when already overburdened by other environmental issues. Pursuant to CCR § 15130(b), which lists "the elements necessary to provide an adequate discussion of significant cumulative impact", we recommend that OPR works with the California Environmental Protection Agency (CalEPA) to use the California Communities Environmental Health Screening Tool (CalEnviroScreen) in determining whether a project may have an incremental effect that is cumulatively considerable. Although not perfect, we believe this screening tool can strengthen the cumulative analysis element of CEQA.

Appendix N Infill Environmental Checklist: Population and Housing (Section XIII)

Direct physical displacement of residents as a result of project development is addressed in the Population and Housing section of Appendix N of the CEQA Infill Environmental Checklist. The relationship between infill development/Transit Oriented Development (TOD), and socio-economic displacement has been well documented and analyzed over the last decade by numerous scholars, policy advocates and local organizations that see these changes occurring in their communities.^{1 2} As currently written, the CEQA Guidelines do an inadequate job of analyzing how a project will impact a resident's ability to stay in his or her community while confronting market-based forces. We strongly encourage OPR to conduct a study on socio-economic and cultural displacement (the involuntary departure of community residents due to increased housing and rental costs) that establishes best practices for all projects. Additionally, based on the results of the study, we ask OPR to incorporate the appropriate mitigation measures into the Guidelines.

Article 10. Considerations in Preparing EIRs and Negative Declarations (Sections 15140-15155)

The Latino population in California is projected to become a majority by March 2014.³ Currently, nearly 20% of Californians speak limited to no English.⁴ A central objective of CEQA is dissemination of information in order to create public awareness of a project's

¹ Chapple, K. (2009) "Mapping Susceptibility to Gentrification Center for Community Innovation", Center for Community Innovation.

² Pollack et al. (2010). "Maintaining Diversity in America's Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change", Boston: Dukakis Center for Urban and Regional Policy.

³ Office of Governor Edmund G. Brown Jr. "Governor's Budget Summary 2014-15".

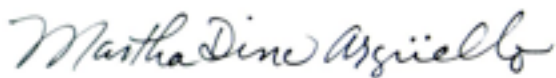
⁴ U.S. Census Bureau; generated by Monika Shankar; using American FactFinder; <<http://factfinder2.census.gov>>; (01 February 2014).

impacts. Pursuant to CCR § 15140, both EIRs and Negative Declarations shall be written in “plain language.” Therefore, OPR should provide guidance on how to make CEQA fully accessible to all audiences, especially those who are limited English proficient but will be directly impacted by a proposed project. We suggest that OPR require a lead agency to translate certain notices, including a draft and final environmental impact report, negative declaration, and mitigated negative declaration, when a group of limited English proficient people, as defined, comprises at least 5% of the population within the lead agency’s jurisdiction and the project is proposed to be located at or near an area where the group of limited English proficient people comprises at least 5% of the residents of that area.

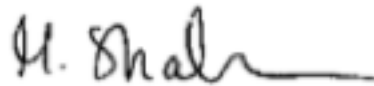
Finally, although OPR is not considering the question of what constitutes significant impacts on the environment to include existing and nearby residents until *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2013) 218 Cal. App. 4th 1171 is resolved, we strongly encourage OPR to resolve this discrepancy in the CEQA Guidelines at the soonest possible time, as this is a central issue in the consideration of health and overall well-being of our communities.

Thank you for the opportunity to comment. Any follow-up questions can be sent to Monika Shankar at mshankar@psr-la.org or (213) 689-9170.

Sincerely,



Martha Dina Argüello
Executive Director
Physicians for Social Responsibility-LA



Monika Shankar
Health & Environment Associate
Physicians for Social Responsibility-LA

The undersigned legal, health, social and environmental justice organizations support these recommendations to the CEQA Guidelines:

Joe Donlin
Interim Co-Director
Strategic Actions for a Just Economy

Becky Dennison
Co-Director
Los Angeles Community Action Network

Janette Robinson Flint
Executive Director
Black Women for Wellness

Benjamin Torres
CEO/President
CDTech

Sandra Mcneill
Executive Director
T.R.U.S.T. South LA

Legal Aid Foundation of Los Angeles
(LAFLA)